

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|--------------------------------|---|-----------------|
| ALEXANDER DYLAN GREEN, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 3:05-cv-215 |
| |) | 3:05-cv-268 |
| TIMOTHY HUTCHISON, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This civil action is before the court on the motion of defendant Sheriff Timothy Hutchison, sued in his official capacity, to dismiss the complaint against him [doc. 17]. The defendant argues that a suit against him in his official capacity is nothing more than a suit against Knox County, and the claims against him in his official capacity should be dismissed. The plaintiffs have responded [doc. 20] and object to the dismissal of claims against Sheriff Hutchison in his official capacity.¹

While it is true that a suit against a sheriff in his official capacity is a suit against the county he serves (*see Hafer v. Melo*, 502 U.S. 21, 25, 112 S.Ct.

¹ The plaintiffs also raise issues related to a potential conflict of interest concerning defendant's attorney, Robert Watson, and claim that various rules of civil procedure, allegedly relied upon by the defendant, do not apply. In light of the court's determination that the motion should be denied, the court finds it unnecessary to address these objections.

358, 361, 116 L.Ed.2d 301 (1991)), there is no reason to dismiss the suit against the sheriff. The court is aware that various other courts, including a magistrate judge of this court, have found that dismissal would promote judicial economy and prevent possible jury confusion. This court finds, however, that in this case dismissal is not necessary. Sheriff Hutchison is sued in both his individual and official capacities and, at this time, he is represented by the same attorney. Thus, there appears to be no reason to dismiss the claims against Sheriff Hutchison in his official capacity.

It is hereby **ORDERED** that the defendant's motion to dismiss is **DENIED**.

ENTER:

s/ Leon Jordan
United States District Judge